

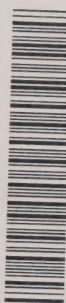
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# DEVELOPMENT CONTROL



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Ontario  
**Niagara**  
Escarpment  
Commission

Spring 1979

# Development Control

*The purpose of this booklet is to explain the development control procedure. Those contemplating development within the Niagara Escarpment Commission's Development Control Area are advised to consult with the staff of the Niagara Escarpment Commission and to examine the applicable Ontario government Regulations.*

The Niagara Escarpment Planning and Development Act requires that the 17-member Niagara Escarpment Commission prepare a plan for all or part of a 5,200-square-kilometre (2,000-square-mile) Planning Area which stretches from Queenston on the Niagara River to Tobermory at the tip of the Bruce Peninsula.

The goal set by the Government of Ontario is:

“to maintain the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment and to ensure only such development occurs as is compatible with that natural environment.”

Rather than “freeze” development while the Provincial Plan is being produced, it has been decided to permit development to proceed. However, within the Niagara Escarpment Planning Area a much smaller area has been designated by Regulations as a Development Control Area. The environment of this area is considered especially sensitive and the Commission has been given the authority to regulate development in the interim period before the Provincial Plan for the Niagara Escarpment Area is completed. Within this area a development permit may be required before undertaking any new development or alterations.

Information on the exact boundaries of the Development Control Area as defined by Regulations can be obtained at local municipal or Niagara Escarpment Commission offices.



## What is Development Control?

Development control, within the Niagara Escarpment Commission's Development Control Area, is a system of land use control that is distinguished from the traditional zoning techniques in that there are no zones, nor are there detailed standards.

Any development, unless specifically exempted by Regulations, requires a development permit from the Niagara Escarpment Commission. Each development is considered on its own merits, and evaluated against the goal and objectives of the Niagara Escarpment Planning and Development Act, taking into consideration the requirements of other government agencies and municipalities.

A development permit must precede, but does not replace, a building or other similar permits.

# How Development Control Works

The applicant applies to the Commission on the form provided. The Commission may approve the application as submitted; approve it, subject to whatever conditions may be deemed necessary; or turn it down.

A copy of the decision is then sent to the applicant and all assessed property owners within 120 metres (400 feet) of the land that is the subject of the application. Anyone receiving a copy of the decision may appeal in writing within 14 days to the Minister of Housing.

A hearing officer will then be appointed to conduct a hearing. The hearing officer will report back to the Minister with a summary of the representations made, together with an opinion on the merits of the Commission's decision. The Minister of Housing will then make the final decision on the appeal.

When a development application is not approved, this means that the final decision on the development should await the completion and approval of the Provincial Plan for the Niagara Escarpment Area.

# Examples When Permit Required

Unless specifically exempted by the Regulations, a development permit is required to:

- erect a house, cottage; industrial, commercial or institutional building
- make additions to existing dwellings or accessory buildings
- excavate a foundation
- excavate a pond, unless it is a farm pond
- change the grading of a site by bulldozing or the placement of fill
- establish a trailer park
- construct a new road or new driveway
- remove topsoil
- open a wayside pit
- undertake “special agricultural development” (see Regulation for definition)—examples:
  - piggery
  - turkey, game bird or chicken farm
  - hatchery
  - fur farm
  - mushroom farm
  - animal kennel
  - feedlot area
  - manure storage area



# Examples When Permit not Required

A development permit is not required to:

- construct any building or structure for which a municipal building permit was issued prior to June 10, 1975
- repair or reconstruct a building or structure damaged or destroyed after the effective date of the Regulations by causes beyond the control of the owner, provided that where such a building or structure is reconstructed, it is located on the same site as the former building or structure
- maintain, improve or alter the interior of a building or structure
- construct any building or structure accessory to general agricultural development, other than a dwelling, provided that the farm is 20 hectares (50 acres) or more, the lot fronts on a road, and the building or structure is 91 metres (300 feet) or more from the centre line of a provincial highway or municipal road
- extend a single-family dwelling by 92 square metres (1,000 square feet) or less (external measure) at the rear or side of the house, provided that there remains a minimum side yard of four and a half metres (15 feet), a minimum rear yard of seven and a half metres (25 feet) and the height of the extension does not exceed the height of the original dwelling

- construct or extend buildings or structures accessory to single-family dwellings, provided that it is 0.9 metres (three feet) or more from any side or rear lot line, four and a half metres (15 feet) or less in height; the total area covered by all accessory buildings and structures does not exceed the lesser of five percent of the lot area, or 55 square metres (600 square feet); and no accessory building or structure or any part thereof lies between the front lot line and the wall of the dwelling nearest to it and, in the case of a corner lot, there shall be deemed to be two front lot lines
- plant and cultivate trees or nursery stock
- cut, destroy, prune or remove trees in accordance with *The Crown Timber Act*, *The Forestry Act*, *The Trees Act*, *The Woodlands Improvement Act*, *The Conservation Authorities Act*, *The Municipal Act*, or with programs recommended by the Ministry of Natural Resources, or, in the case of all other trees, to cut, destroy, prune or remove up to 10 percent of these trees existing on June 10, 1975
- construct a privately-owned outdoor swimming pool provided that the water area of the swimming pool is a minimum of 3 metres (9 feet) from any lot line and that the maximum total water area of the swimming pool is 74 square metres (800 square feet).

# Evaluation of Applications

In examining an application for a development permit, the Niagara Escarpment Commission works within the same framework of long-range objectives established for the preparation of the Plan. These objectives are:

- to protect unique ecologic and historic areas
- to maintain and enhance the quality and character of natural streams and water supplies
- to provide adequate opportunities for outdoor recreation
- to maintain and enhance the open landscape character of the Niagara Escarpment insofar as possible, by such means as compatible farming or forestry and by preserving the natural scenery
- to ensure that all new development is compatible with the purpose of the Act which is to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure that only such development occurs as is compatible with that natural environment
- to provide for adequate public access to the Niagara Escarpment
- to support municipalities within the Niagara Escarpment Planning Area in their exercise of the planning functions conferred upon them by The Planning Act
- development should not be permitted which will detract from the visual and scenic qualities of the brow, face or base of the Escarpment or land in the immediate vicinity, except in cases of clearly demonstrated public interest.



- residential, commercial, industrial and institutional developments are to be encouraged to locate in existing built-up areas, rather than in areas now rural in character. Only a very limited amount of low density non-farm residential development should be permitted in rural areas
- good agricultural land should be preserved
- new recreational development such as cottages, ski chalets, ski runs, riding stables, trails and related facilities, and tourist-commercial developments such as motels, campgrounds and trailer parks, must coincide with the planning objectives
- the character of existing towns and villages should be maintained
- significant destruction of tree stands is to be avoided
- buildings of important architectural interest are to be preserved
- adequate protection is to be provided for wildlife
- hazard lands (those dangerous because of erosion or flooding) are to be confined to specific non-risk uses
- all future development is to proceed in accordance with sound planning principles.

Finally, in making a decision on a development proposal, the Commission considers local official plans and consults with the municipalities.

# Applying for a Development Permit

Application forms are available at municipal offices within the Niagara Escarpment Planning Area and the Niagara Escarpment Commission offices in Georgetown, Grimsby and Clarksburg.

Completed forms should be returned to the Niagara Escarpment Commission office serving the area of proposed development. To avoid unnecessary delays, an applicant should fill in the application form completely. If required, staff assistance is available free at all three Niagara Escarpment Commission offices. Collect calls are accepted.

There is no fee for obtaining a development permit.

**The Counties of BRUCE, GREY and SIMCOE are served by:**

**The Niagara Escarpment Commission  
11-13 Marsh Street  
CLARKSBURG, Ontario N0H 1J0  
tel. (519) 599-3340**

**The County of DUFFERIN, and REGIONAL MUNICIPALITIES OF  
HALTON and PEEL are served by:**

**The Niagara Escarpment Commission  
232 Guelph Street  
GEORGETOWN, Ontario L7G 4B1  
tel: (416) 877-5191**

**THE REGIONAL MUNICIPALITIES OF HAMILTON-WENTWORTH  
and NIAGARA are served by:**

**The Niagara Escarpment Commission  
166 Main Street West  
GRIMSBY, Ontario L3M 1S3  
tel: (416) 945-9235**

# The 45 Municipalities in the Niagara Escarpment Development Control Area

## **Regional Municipality**

Halton  
Hamilton-Wentworth  
Niagara  
Peel

## **County**

Bruce  
Dufferin  
Grey  
Simcoe

## **City**

Burlington  
Hamilton  
Niagara Falls  
Owen Sound  
St. Catharines  
Thorold

## **Township**

Albemarle  
Amabel  
Artemesia  
Collingwood  
Derby  
Eastnor  
Euphrasia  
Flamborough  
Holland  
Keppel  
Lindsay  
Melancthon  
Mono  
Mulmur  
Nottawasaga  
Osprey  
St. Edmunds  
St. Vincent  
Sarawak  
Sydenham

## **Town**

Ancaster  
Caledon  
Dundas  
Grimsby  
Halton Hills  
Lincoln  
Milton  
Niagara-on-the-Lake  
Pelham  
Stoney Creek  
Warton

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# NIAGARA ESCARPMENT DEVELOPMENT CONTROL AREA

